



April 9, 2018

SENT VIA EMAIL

Mr. Daniel Stevens
Executive Director
Campaign for Accountability
611 Pennsylvania Ave., S.E. #337
Washington, D.C. 20003
Email: dstevens@campaignforaccountability.org

RE: Right-To-Know Law Request No. 18-RTKL-095

Dear Mr. Stevens:

On March 1, 2018, the Department of Human Services (department) received your request for information pursuant to the Pennsylvania *Right-To-Know Law*, 65 P.S. §§ 67.101, et seq. (RTKL). On March 9, 2018, an interim communication was sent to you indicating that up to an additional 30 days would be needed to respond to your request, or until April 9, 2018.

Your Request

You asked for “copies of the reports of all Contract Compliance Audits performed by the Department of Human Services, or its predecessor Department of Public Welfare, regarding the Departments’ contracts with Real Alternatives from January 1, 1997 to the date the search is conducted.”

The department interprets your request to ask for the final reports from all Contract Compliance Audits performed by the department (including when it was named the Department of Public Welfare) regarding its contracts with Real Alternatives from January 1, 1997 until the date of your request.

The Department’s Response to Your Request

Your request is granted in part and denied in part. The department conducts performance audits and does not have a process specifically titled Contract Compliance Audits. Along with this letter, the department is providing you with a redacted copy of the final audit report issued as a result of the department’s performance audit of Real Alternatives. The audit report covers the period from July 1, 2012 to June 30, 2015. The department made some redactions as permitted in accordance with law, as follows:

- Personal Identification Information: The department has redacted personal identification information from the records. Pursuant to the RTKL, “a record containing all or part of a person’s Social Security number...home, cellular or personal telephone numbers; personal email addresses;...or other confidential personal identification number” is exempt from disclosure. 65 P.S. § 67.708(6)(i)(A).
- Confidential Proprietary Information: Under the RTKL, “a record that constitutes or reveals a trade secret or confidential proprietary information” is exempt from disclosure. 65 P.S. § 67.708(b)(11). Real Alternatives previously asserted information contained within a letter attached to the audit report as confidential proprietary information or protected by a trade secret and thus, that information remains redacted.

Please note that the department does not have any other final report from an audit performed by the department than the one we are providing to you. However, if you intended your request to encompass drafts of the audit report, those draft versions of the audit are exempt from access under the RTKL because they contain the internal, predecisional deliberations of the department. 65 P.S. § 708(b)(10)(i)(A).

Specificity

The department has attempted to adequately address your request as to the documents. The RTKL requires a request be set forth with “sufficient specificity to enable the agency to ascertain which records are being requested...” 65 P.S. § 67.703. To the extent the department has misinterpreted your request, it submits that the request was not set forth with the required requisite specificity.

Appeal Rights

You have a right to appeal the partial denial of information in writing to the Executive Director, Office of Open Records (OOR), Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, Pennsylvania 17120. If you choose to file an appeal you must do so within 15 business days of the mailing date of this response and send to the OOR:

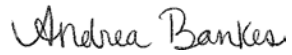
1. This response;
2. Your request; and
3. The reasons why you think the information is public (a statement of the grounds you assert for the information being a public record) and why you think the department is wrong in its reasons for saying that the information is not public (a statement that addresses any ground stated by the department for the denial, which you are challenging); if the department gave several reasons why the information is not public, state which ones you think were wrong.

All of the above must be submitted in order for the appeal to be valid. The OOR has an appeal form available on its website at:

<https://www.dced.state.pa.us/public/oor/appealformgeneral.pdf>.

If you have additional questions related to this RTKL response, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Andrea Bankes".

Andrea Bankes
Agency Open Records Officer

Attachment